



King County Board of Ethics
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KING COUNTY BOARD OF ETHICS MEETING NOTICE

When: Monday, July 16, 2001, at 4:30 p.m.

Where: Bank of California Building
900 Fourth Avenue, 4th Avenue and Marion Street, Seattle
5th floor conference room, northwest corner of building

AGENDA

1. **Approval of Agenda**
2. **Approval of Meeting Minutes of June 18, 2001.**
3. **Educational Materials.** Review. Ethical Standards for Contractors, Vendors, Customers and Clients—a brochure
4. **Review of the Ethics Code.** Discussion of Penalties
5. **Staff Report.**
 - DDES—Potential Conflict of Interest with Official Position
 - DNR Request for Advisory Opinion—Follow-Up Letter
 - Filing Orders Amendment—status
 - Post Employment Amendment—status
 - Ethics Organizations and Activities
 - Puget Sound Ethics Network
 - 2002 Washington State Ethics Conference
6. **Meetings.** Discussion of dates through the end of the year.
7. **Letter to Executive Sims Regarding Reorganization.** Discussion.

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ALTERNATE FORMATS AVAILABLE

**Minutes of the July 16, 2001, Meeting
of the King County Board of Ethics**

The July 16, 2001, meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:33 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair
Mr. Roland H. Carlson
Margaret T. Gordon, Ph.D.
Rev. Paul F. Pruitt

Lembhard G. Howell, Esq. had an excused absence

Others in attendance:

Ms. Catherine A. Clemens, Administrator, King County Board of Ethics
Mr. James J. Buck, Acting Director, Department of Information and Administrative Services
Mr. Donald J. Porter, Senior Deputy Prosecuting Attorney
Mr. John Chelminiak, Chief of Staff, King County Council
Mr. Duncan Fowler, Ombudsman

1. *Proposed Agenda.* Following the addition of item #7, Letter to the Executive Regarding the Reorganization, Rev. Pruitt moved and Mr. Carlson seconded that the board approve the proposed agenda. The board unanimously adopted the motion.

Chair Price Spratlen asked for introductions from those present.

2. *Approval of Meeting Minutes of June 18, 2001.* Mr. Carlson moved and Ref. Pruitt seconded that the board approve the June 18, 2001, meeting minutes. The board unanimously adopted the motion. Mr. Carlson commended the board on the its handling of the request for an advisory opinion addressed in the June meeting.

3. *Educational Materials.* Ms. Clemens introduced a draft brochure that highlights portions of the Code of Ethics that relate to relationships between county employees and contractors, vendors, and customers. She stated that the brochure identifies relevant Code provisions, and offers examples, on the issues of receipt of gifts, paying for employee meals, and conflict of interest, among others. Board counsel previously reviewed the text. Employee inquiries about appropriate behaviors with those who do business with the county prompted this brochure. It serves to clarify county policies and practices to ensure fair and equitable treatment and to prevent conflicts of interest. Following board review and discussion, Mr. Carlson moved that the board approve the brochure content and direct the administrator to finalize and distribute the document throughout the county. Dr. Gordon seconded the motion and the motion passed unanimously.

Mr. Fowler arrived at 4:40 p.m; Mr. Buck arrived at 4:43 p.m.; and Mr. Chelminiak arrived at 4:45 p.m.

4. *Review of Ethics Code.* Ms. Clemens stated that, during the June meeting, Mr. Howell had asked board counsel and the administrator to research the success of other ethics agencies that use fines as a tool to increase compliance on financial disclosure programs. Ms. Clemens drew the board's attention to a copy of a recent e-mail discussion of that issue with members of the Council on Governmental Ethics Laws. In response to her inquiry on the topic, Ms. Clemens received comments from agencies in Hawaii, Iowa, New York City, Kansas, and Massachusetts. All agencies reported assessing monetary penalties for failure to file on time, and four out of the five agencies stated that the penalty had a positive affect on increased and timely filing.

Mr. Carlson stated that ensuring timely filing should be a management issue and that managers should be evaluated on their effectiveness. Dr. Price Spratlen suggested that the board think about the existing system that seems to be working well; asking the executive to send a notice might be a better route to take than assessing penalties. She agreed with Mr. Carlson's comment that this is a management responsibility. Dr. Gordon and Rev. Pruitt voiced their agreement. Mr. Fowler stated that the Charter identifies penalties for negligent or willful violations of the Code. Mr. Carlson stated that such penalties might apply if the filer submitted incorrect information. Mr. Porter noted that current disclosure statements are sworn documents and signed under penalty of perjury. Following additional discussion, Dr. Gordon moved that the ethics board work diligently with the executive and county managers under the current system to ensure filing compliance by the deadline of April 15, 2001. Rev. Pruitt seconded the motion and the motion passed unanimously.

5. *Staff Report.* Ms. Clemens briefed the board.

Department of Development and Environmental Services—Potential Conflict of Interest With Official Position. Ms. Clemens stated that her practice is to inform the board on ethics-related issues that come to her attention and then develop beyond routine, informational responses. The instant matter of potential conflict of interest for a DDES employee, and the DDES management response, qualified for board attention; however, no board action was required. A DDES employee and her husband had contacted the ethics administrator several times regarding the purchase of a home. As a code enforcer, the employee's official job responsibilities had affected this home some time in the past. Under the ethics code provision, Duty to Notify Supervisor, employees are required to notify supervisors of potential conflicts of interest in writing; managers are equally responsible to take action to resolve the situation and to maintain written files describing the disposition of the potential conflict. However, in this situation, DDES management consistently referred all inquiries to the ethics office. They stated that, in ethics-related matters, it is the employee's responsibility to read, understand, and follow the provisions of the Code. Subsequent inquiries from the employee and her husband continued to arrive at the ethics office by e-mail and fax. At this point, Ms. Clemens invited the DDES director, administrator, deputy director and staff attorney to meet in order to address the issue, and to clarify their responsibilities under the Code. She also drafted conflict of interest policies for DDES consideration and use. The draft was reviewed and commented on by the Ombudsman and board counsel. DDES management did attend the meeting, but declined to use the guiding policies. They stated that resistance by unions and current restrictive policies for DDES employees (e.g. cell phone regulations, documentation of work time) made additional rules and regulations unworkable. Mr. Fowler stated that he thought the policies were well-

written, and considered it unfortunate that the director declined to accept them. He noted that from time to time the public contacts his office to complain that code enforcement personnel are unfair; the rules on conflict of interest prohibitions would be helpful in such circumstances. The board noted surprise that DDES management would choose not to provide guidelines for their employees and asked to be kept informed should there be new information on the subject.

Department of Natural Resources Request for Advisory Opinion—Follow Up Letter. Ms. Clemens presented the summary letter sent on the board's behalf following last month's request for an advisory opinion from DNR manager, Mr. Brad Bell. The letter, addressed to Mr. Bell, reflected the board's determination on the request; the board noted approval.

Filing Orders Amendment—Status. Ms. Clemens invited Mr. Chelminiak to brief the board on the response by the Committee of the Whole to the amendment regarding filing of certain documents under the Code. Mr. Chelminiak stated that the COW members generally seemed in favor of the amendment. However, they had voiced concerns that financial disclosure statements for elected officials and candidates for public office continue to be available to the general public in both King County records and elections division and the Board of Ethics office. The amendment suggests that these forms only be filed with the ethics office. He noted that the COW would address the issue again on July 30, 2001, and that the manager of records and elections, ethics staff, and ombudsman would be invited to attend. The board thanked Mr. Chelminiak for his report.

Post Employment Amendment—Status. Mr. Buck stated that the amendment had not yet been forwarded from his office to the executive due to the competing demands of the reorganization and budget deadlines. He did not estimate a date for transmittal to the executive.

Ethics Organizations and Activities. Ms. Clemens informed the board that the Puget Sound Ethics Network, of which she is a member, is expanding its membership and formalizing its organization. She noted that she plans to continue involvement, but not to a great extent due to time constraints. Ms. Clemens stated that she is organizing the second planning meeting for the 2002 Washington State Ethics Conference, and invited board members to suggest agenda items. The conference is scheduled for Thursday, July 11, 2001, in the Sea-Tac or Federal Way area.

6. *Meetings.* Dr. Price Spratlen noted that the quality of the meetings is richer when at least four board members attended. She stated attendance had dropped from 90% in 1999 to 85% in 2000; currently attendance is 77%. Following discussion, the board agreed to continue meeting as before on the third Monday of each month, but to remain flexible regarding meeting dates if full attendance was deemed necessary.

Mr. Fowler left the meeting at 5:35 p.m.

Ms. Clemens reviewed the remaining meeting dates for 2001: August 20th, September 17th, November 19th, and December 17th. The October 17th meeting is canceled because Ms. Clemens will be out of town.

7. *Letter to Executive Sims Regarding Reorganization.* Dr. Price Spratlen informed the board that she and Mr. Howell met with Executive Sims and Mr. Paul Tanaka, Deputy County Executive, on July 12, 2001, regarding the reorganization. She and Mr. Carlson had met with the executive for that purpose on May 7th and the executive had said he would

send a letter in response to the meeting. Because no letter had arrived by the designated date, the Chair decided another meeting was necessary. Executive Sims stated that nothing in the reorganization will change his support for ethics in his administration. However, for administrative purposes, the ethics office had to be merged with the civil rights office and reporting relationships had to follow that structure. Mr. Tanaka informed everyone he had met with Ms. Clemens and informed her of these facts. He had also promised that, although reporting on operations would go through the civil rights manager, he would always be available for ethics related issues. Mr. Sims and Mr. Tanaka argued persuasively that this change is only administrative and agreed to send a memo of understanding by July 20, 2001. The board discussed the current structure of the board and office and noted that it would be hesitant to go beyond Executive Sims to the council on this issue during an election year. Chair Price Spratlen stated that the board had enjoyed a positive relationship with the executive and therefore would not like to proceed further in opposition to his ordinance. Dr. Gordon asked what could be done to change things if the new structure does not work? Dr. Price Spratlen stated that Executive Sims assured them that the structure could be changed again if it proved to be unworkable, but feared that it is very difficult to change an ordinance once it is passed. Also, who will define what is effective and what is not? Rev. Pruitt noted that he is still hoping the executive will not merge the ethics office with the civil rights office and is looking forward to receiving the memo of understanding. Dr. Gordon stated that she did not want the system to disadvantage Ms. Clemens in any way.

With no further comment or additional business, Rev. Pruitt moved and Dr. Gordon seconded a motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 6:02 p.m.

Approved this 17th day of September, 2001, by the King County Board of Ethics.

Signed for the Board: _____
Dr. Lois Price Spratlen, Chair